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STATEMENT FROM CALEB POWERS

Shows Special Judge Robbins
in Bad Plight.

Affidavits of Reputable Citizens
Support Him--Will Yet
be Acquitted.

Georgetown, Ky., Aug. 3, 1907.—To the public: In view of the things that transpired during the recent special term of the Scott Circuit Court, at which my case was to have been tried and in response to the impression that the prosecution has attempted to create through publications friendly to the managers of the case against me, I wish to make this statement.

"The first thing I want to speak of is the remarkable decision of Judge Robbins with reference to the affidavit asking him to vacate the bench. It will be observed that this decision is unique in two respects—the criticism of me for failing to file the affidavits of other persons in support of the fact alleged in my affidavit, and the determination by Judge Robbins in the same opinion, that I could not legally do it under the laws of Kentucky, and that the statements in my affidavit are conclusively presumed to be true. He says: 'It has been held by the court (the Court of Appeals), that the facts set out by the defendant, if sufficient in substance, whether true or false, can not be controverted by the adverse party or the Judge.' 'It is also said in the case of Powers vs. Commonwealth, 24 Ky. Law Reporter, 1019, that by expressed to create through publications declaration of law, the Judge can not controvert the statement of the affidavit.'"

ATTACKS ROBBINS' RULING.
"When Judge Robbins took the oath of office as Special Judge in my case, he solemnly swore that he would try this case according to law; that he would administer justice without respect to person.

"Judge Robbins not only controverted the statements contained in my affidavit himself, but permitted the prosecution to do it, and how he could rule this in the face of the law as laid down by himself and in the face of the oath he took to try my case according to law, is beyond my comprehension.

"While I had abundant proof to support every material allegation in my affidavit by the affidavits of others my counsel advised me that I could not legally do it, and Judge Robbins' opinion holding this as the correct view of the law seems to verify the wisdom of my counsel's advice.

"My counsel felt that they were not practicing law before the bar of public opinion, but before a court of justice where they had the right to expect the oath of the Judge and the well established rules of law to be regarded, and not made an open and flagrant mockery.

REPLIES TO THE JUDGE.
"Judge Robbins says: 'It will be observed, however, that the material facts set forth are not within the personal knowledge of the defendant, but as to him are merely hearsay. That is true, I am forced to lie in jail. I cannot know of things of my own personal knowledge. All I can do is to state the facts as they are represented to me and then say in the affidavit that I believe them to be true, and that is legitimate and proper. The law holds that to be sufficient, and yet I am censured and criticised by this Judge when every sane man in the world knows that unless a prisoner could be permitted to disqualify a Judge upon information gotten in that way, the Judge could denounce the prisoner and enter upon the trial of his case with the avowed declaration that he would hang him regardless of the law and the evidence and the prisoner would be helpless.

"The efforts of Judge Robbins to prejudice my case and place me in a false light before the public, and his going outside the law and his oath to accomplish this purpose, is enough to convince all fair-minded people that he is hostile to and prejudiced against me, and would not have afforded me a fair and impartial trial.

"I see it charged in certain newspapers that I prepared the affidavit removing Judge Robbins from the bench that I had it filed over the protest of my attorneys, and that I am now making this statement contrary to their

wishes and advice. These statements are without any foundation in fact whatever.

"The statement is attributed to Commonwealth's Attorney Franklin that I am trying to delay a trial of my case and that when my counsel were about to agree that the trial should proceed that I 'always shooed' them off and prevented them from reaching an agreement.

"I am sure that Mr. Franklin did not make that statement. I told Mr. Franklin that I wanted an immediate trial of my case, and I asked him, and through him, the other representatives of the Commonwealth, to join my counsel in a telegram to Gov. Beckham asking him to appoint another special Judge, without delay, to the end that my trial might immediately proceed. If we could have agreed upon a Judge the special term of court called by Judge Robbins would not have ended, and my case could have been tried at once.

"In the hope of reaching an agreement and securing a fair Judge, my attorneys submitted to Mr. Franklin the names of thirty-two high-class lawyers, twenty-two of whom were Democrats, and before any of whom we were willing to go into trial in this case. The defense also offered to go into trial before any competent and qualified high-class Republican lawyer or Judge in the State of Kentucky.

"All these propositions were refused by Mr. Franklin and those representing the prosecution. My attorneys then offered to submit an additional list of names.

FRANKLIN'S REFUSAL.
"At this point Mr. Franklin announced that he would not consider

(Continued on eighth page.)

ELECTRIC LINE FOR GREEN RIVER COUNTRY

Will Probably Be Built From
Calhoun to Hart-
ford.

The Owensboro Messenger of Wednesday contains the following welcome news to Hartford people, who have long expected an electric line up the Green and Rough river valleys, and if constructed to Calhoun it will undoubtedly come on to Hartford:

"The electric railway from Owensboro to Calhoun, for which right of way over the streets of Owensboro was asked Monday night, will be built by home people and home capital. Judge Wilfred Carico, who is attorney for the company, stated yesterday that is a purely home enterprise, but that the company is not yet ready to make any announcement of its plans, there being several matters necessary to arrange first.

The building of an electric line between Owensboro and Calhoun has been in contemplation for several years, and considerable work has been done in one way and another toward the consummation. Last year, a foreign company secured options on right of way through nearly all of the property along the proposed route, but failed in securing the desired aid from Owensboro and abandoned the project of building. It is probable that the new company of home people will take over the rights of way and options secured by the other concern.

With Owensboro people taking an active interest in the enterprise, it is practically a certainty that the building of the road will not fail. One of the men who is interested in the proposed road said yesterday that he had made some investigation of the interurban roads out of Evansville, and found that practically all of them were built by Evansville people with Evansville money, and without asking the aid of the outside world. He believes that the same results can be had by Owensboro people.

A very rich field would be opened to Owensboro by the building of a road to Calhoun. The most fertile portion of the Green river country would be made tributary to Owensboro instead of Evansville, as it has been heretofore, that section having to depend almost exclusively on river transportation."

Public Entertainment.
The Ladies Aid Society, of Centertown, will serve loaves and cakes Saturday evening. The Public is invited. The old people will be served from 4 p. m. to 7 p. m. Young people will be served any time from 4 p. m. to 11 p. m. W. A. GRANT, Pastor.

IMPORTANT LAW- SUIT DECIDED.

Judge Birkhead Hands Down
Decision.

Construing the Will of the Late
Jas. A. Thomas Which Af-
fects Many Parties.

One of the most important lawsuits ever determined in the Ohio Circuit Court was terminated Monday by a judgment in favor of the plaintiffs in a suit filed the 4th day of May, 1907, by Mrs. Emma J. Thomas, guardian of Evelyn Fair Thomas. The suit was filed for the purpose of having the court construe the last will and testament of James A. Thomas, deceased.

Mr. Thomas was one of Hartford's wealthiest citizens and at the time of his death owned considerable personal and real estate. He left surviving him three daughters and wife, and one grand-daughter, Evelyn Fair Thomas, for whose benefit the suit was filed.

The petition states that at the time of his death Mr. Thomas owned eleven tracts or lots of real estate, besides a considerable amount of personal property. The first lot being the family residence in Hartford, about which no question was raised in the litigation, plaintiffs conceding that same was devised to Mrs. Thomas and her daughters, Etta, Stella and Lillie by the terms of the will. But about all the remaining property ten lots in number, the question was raised as to whether by the terms of the will it went to Misses Etta, Stella and Lillie Thomas, or to them and Evelyn Fair Thomas jointly.

The court in an opinion decides and adjudges that no part of the Thomas estate is covered by the will except the family residence, which now belong to Mr. Rowan Holbrook, he having purchased same within the past few months, and the personal estate.

The court adjudges the infant, Evelyn Fair Thomas, to be a joint owner in all the rest of the real estate owned by Mr. Thomas at his death, she owning an undivided one-fourth interest therein. All of said property has been sold by the Misses Thomas to various and sundry parties, and they have realized goodly amount for same. Lot No. 2, which joins Hayti, was sold to Thomas Walker, for the sum of \$325. Lot No. 3, a house and lot in east Hartford has been sold to Miss Nettie Rogers, for \$1,300. Lot No. 4, when sold a vacant lot near the Presbyterian church has been sold to J. C. Riley for \$250, and is the lot on which Roll Riley's residence is now located. Lot No. 5, which is a vacant lot in east Hartford has been sold to E. W. Patterson, for \$65. Lot No. 6, which was about 16 acres of land in east Hartford has been sold to Rowan Holbrook, and same has been divided into town lots and sold to various parties. They realized for this lot \$3,000. Lot No. 7, which is a dwelling south of the Baptist Church has been sold to Mrs. Flora Phipps for \$600. Lot No. 8, a vacant lot in east Hartford, has been sold to Delilla King, for \$180. Lot No. 9, which was then a vacant lot but on which has been erected a residence now occupied by Dr. J. W. Taylor, was sold to him for \$175. Lot No. 10, which was about 12½ acres of land on Muddy Creek, was sold to J. M. Moore, for \$126. Lot No. 11, which was 250 acres on Halls Creek, was sold to Mr. J. W. Ford, for \$2,800.

The court's decision in this important litigation affects many parties. Inasmuch as the infant, Evelyn Fair Thomas, adjudged to be the owner of one-fourth interest in all the property, it is difficult to determine what will be the ultimate outcome or effect of the courts decision.

Of course the estate is quite solvent and parties who purchased the property will have recourse on it if they are compelled to pay the infant's interest, but the infant being unable, and will be until she is 21 years old, to make any settlement or conveyance for her interest in the various lots of land will necessarily cause a good deal of confusion to the purchasers of the land.

The defendants have been granted an appeal to the Court of Appeals and the matter will no doubt be heard in that court at some near future day. Until the matter is finally determined in the courts the various purchasers of

the property will naturally be somewhat apprehensive.

Admitted to Practice Law.

Lieut. Claude Grady, of Henderson county, has the distinction of being the first lawyer licensed to practice at the Hartford Bar since the recent act, requiring a strict examination went into effect. The court requested the assistance of the entire bar Wednesday evening at 7:30 for the purpose of testing the applicant's fitness, and for about two hours Mr. Grady was subjected to a searching examination on every branch of the law by some lawyers to whom that subject had been specially assigned. At the conclusion of the examination Mr. Grady's average was found to be over 90 per cent, which local attorneys say is an especially good grade. Mr. Grady received his license and was sworn in as an attorney at law on Thursday morning and will return to Henderson today.

HON. BEN JOHNSON LEC- TURES AT COURT HOUSE

Gives Splendid Description of the
Panama Canal but Says it
Won't be Worth the Price.

The Hon. Ben Johnson, of Bardonia, Congressman from the fourth Congressional district lectured at the Court House in Hartford Monday. The subject of his lecture was the Panama Canal. Mr. Johnson has recently returned from an extensive visit to the Canal Zone and is familiar with the plan of construction, and gave his hearers a good deal of information not otherwise obtainable. His review of the French Government's attempt, many years ago, to construct a canal at a point where the "big ditch" is now being dug by "Uncle Sam" constituted a rather large part of his lecture and rendered it somewhat disinteresting.

The latter part of Mr. Johnson's discourse was devoted to the present canal and the plan of its construction. It was quite interesting and instructive, and embraced a very comprehensive description of the canal as it is being built.

Of course Mr. Johnson condemned the means employed to procure the sovereignty of the canal zone by the United States as well as the means being employed to effect the construction of the canal, and says when it is built it will not be worth the price paid for it. It was difficult to tell from Mr. Johnson's lecture whether if given control he would complete the work of construction or discontinue it.

Death of Esq. Vaught.

Esq. J. S. Vaught, one of the best known citizens of Hartford, died suddenly last Friday afternoon at the county almshouse, where he had been an inmate for several weeks. Several years ago he conducted a stage line between Hartford and Beaver Dam and also had a general livery and feed stable. During late years he became rather feeble in body and mind. He was a member of the Presbyterian Church and was one of Hartford's most respected citizens. He was past 80 years old at the time of his death. His remains were interred in Oakwood cemetery Saturday afternoon, his funeral being preached by Rev. A. B. Gardner.

Many of Hartford's most prominent people showed their appreciation of the honest life the deceased had spent among them, by their presence. The pall bearers were J. E. Fogle, John C. Thomas, C. P. Keown, C. R. Campbell, J. C. Riley and Capt. S. K. Cox.

Among The Lodges.

The Red Men are expecting a great time here August 17th.

Rough River Lodge No. 110 K. of P. had an interesting short business session Tuesday night. No rank work was done, but next meeting night the third rank will be conferred.

Hartford Lodge No. 675 F. & A. M. had a fine meeting last Monday night. Two candidates were initiated, and three petitions were received. A call meeting will be held next Monday night for the conference of the third degree.

Tax Notice.

Sheriff R. B. Martin has received certificate from Auditor Hager of the amount of taxes due from Ohio county and is now ready to receive taxes, if

NO BETTER THAN THIEVES

Says Judge Landis of The
Standard Oil Company.

Twenty-nine Million Dollars Fine
Assessed Against Indiana
Branch for Rebating.

At Chicago last Saturday, Judge Kenesaw M. Landis in the United States District Court fined the Standard Oil Company of Indiana \$29,240,000 for violations of the law against accepting rebates from railroads. The fine is the largest ever assessed against any individuals or any corporation in the history of American criminal jurisprudence, and is slightly more than 131 times as great as the amount received by the company through its rebating operations. The case will be carried to higher courts by defendant company.

The penalty imposed upon the company is the maximum permitted under the law and it was announced at the end of a long opinion in which the methods and practices of the Standard Oil Company were mercilessly scored. The Judge in fact declared in his opinion that the officials of the Standard Oil Company who were responsible for the practices of which the corporation was found guilty, were no better than counterfeiters and thieves, his exact language being:

"We may as well look at this situation squarely. The man who thus deliberately violates the law wounds society more deeply than does he who counterfeits the coin, or steals letters from the mails."

The court held that the railroads have no more right to make a secret rate for a shipper than a board of assessors would have to make a secret assessment on any particular piece of property. The court expressed regret that the law failed to provide more serious punishment than a fine, but insisted that the penalty should be sufficiently large to act as a deterrent, not of such a size as to encourage the offenders to persist in lawlessness.

At the conclusion of his opinion after announcing the amount of the fine Judge Landis directed that a special jury be called for the purpose of inquiring into the acts of the Chicago and Alton Railroad Company, it having been proven in the case just closed that the oil company accepted rebates from that corporation. This jury is summoned for August 14.

The decision of Judge Landis aroused almost as much public interest as did the presence of John D. Rockefeller and other officials of the Standard Oil Company in the court room on July 6. The crush was so great that a large force of deputy marshals had much difficulty in controlling the crowd that was anxious to force its way in the court room.

FOR THE BUSY READER.

French warships bombarded Casa Blanca and hundreds of Moors were killed.

Charles M. Pratt, secretary of the Standard Oil Company, said that the company has no intention of advancing the price of oil.

An amended bill has been filed by the Government in the "powder trust" case at Wilmington, Del.

John A. Lozier, known as the "fighting chaplain," died at Mt. Vernon. He was popular as an orator and was the author of several war songs.

Baron Edouard de Rothschild, of the firm of Rothschild Freres, bankers of Paris, has been decorated with the French cross of the Legion of Honor.

James H. Banta, the oldest engineer on the Illinois Central Railroad, was struck by an engine and instantly killed while crossing the tracks in Chicago.

The strenuous life is said to be killing the men of Chicago at a tremendous rate, while the women of the city are increasing their longevity by the simple life.

The resignation of David Hutcheson, superintendent of the reading room at the Library of Congress, Washington,

is announced. He had been an employee of the library for thirty-three years.

Tom Wilson, serving a sentence of nineteen years in the Eddyville penitentiary upon conviction for shooting up Bowling Green, escaped from prison, but was soon captured and locked up again. He was found hiding in the weeds.

Many mourners at a funeral in Lexington were thrown into a panic when the floor of the parlor of the home in which the funeral was being conducted gave way under the weight of the large number of persons.

In the presence of Vice-President Fairbanks Gov. Harris and other distinguished visitors, the beautiful monument erected at Put-in-Bay, O., in memory of the victory of Commodore Perry on Lake Erie, was unveiled with appropriate ceremonies.

DEMOCRATS HOLD NOM- INATING CONVENTION.

Tom Wallace Named for Jailer and
S. J. Tichenor Selected for
Representative.

A handful of Democrats held a convention at the court house Monday for the purpose of nominating a candidate for Representative and a candidate for Jailer. A large crowd was in town, being drawn by court and the Johnson lecture, but only a very small number was in attendance. The convention was called at 1 o'clock or before. Organization was effected in a few minutes by the election of Ozma Shultz chairman and Gabe Likens secretary, and there being no announced candidates everybody held their breath pending the suggestion of some one for the places. The name of a candidate for Representative was called for and Yancy Moseley named Birch Shields but Mr. Shields who was present declined to permit his name to be offered. After an embarrassing silence it was suggested that the nomination for Jailer be made thereupon Mr. Tom Wallace was placed in nomination before the convention. Mr. Wallace promptly declined, stating that he could not make the race. Mr. Gabe Likens then made a speech in the course of which he said Mr. Wallace is too good a Democrat to decline the party's call, thereupon a vote was taken and Mr. Wallace was unanimously nominated.

Judge Carson then placed the name of Mr. S. J. Tichenor before the convention as a candidate for Representative. Mr. Tichenor was not present and without further comment the convention voted him the nominee.

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